

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

**U S EQUAL EMPLOYMENT OPPORTUNITY CASE NO. 6:23-CV-01321
COMMISSION**

VERSUS

JUDGE ROBERT R. SUMMERHAYS

ECOSERVE L L C

MAGISTRATE JUDGE DAVID J. AYO

JUDGMENT

On January 6, 2025, Magistrate Judge Ayo issued a Memorandum Ruling [ECF No. 83] denying a Motion to Quash or Modify Subpoena or Motion for Protective Order filed by the US Equal Employment Opportunity Commission (“EEOC”). The EEOC has now filed an Appeal [ECF No. 84] of that ruling. Ecoserve, LLC opposes the Appeal.

This Court has previously held that “a Magistrate Judge’s discovery ruling that is not dispositive of a party’s claim or defense is subject to a ‘clearly erroneous’ standard of review upon timely objection. Fed. R. Civ. P. 72(a); 28 U.S.C.A. § 636(b)(1)(A). A ruling is ‘clearly erroneous’ if, ‘on the entire evidence [the reviewing court] is left with the definite and firm conviction that a mistake has been committed.’”¹ Further, in cases such as the present case, where the complained-of ruling provides specific written reasons, the District Judge’s appellate review is limited to whether the Magistrate Judge committed a clear error or mistake in determining whether to review, adopt, modify, or overturn the ruling.²

¹ *Vanoil Completion Sys., LLC v. PTC Do Brasil Tecnologia Em Petroleo LTDA*, No. 6:18-CV-00412, 2021 WL 712315, at *2 (W.D. La. Feb. 22, 2021) (citing *United States v. Stevens*, 487 F.3d 232, 240 (5th Cir. 2008)).

² *Id.*

The Court has reviewed the Magistrate Judge Ayo's Memorandum Ruling as well as the arguments of both parties and finds that there is no basis to conclude that he committed a clear error or mistake. For that reason, the Appeal [ECF No. 84] filed by the EEOC is DISMISSED.

THUS DONE in Chambers on this 28th day of March, 2025.



ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE